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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,126	03/11/2004	Rizal Jaffar	70040126-1	7062

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AGILENT TECHNOLOGIES, INC.
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EXAMINER

PYO, KEVIN K

ART UNIT PAPER NUMBER

2878

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary	Application No. 10/799,126	Applicant(s) JAFFAR ET AL	
	Examiner Kevin Pyo	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doberenz (6,664,556) in view of Seetharaman et al (6,864,749).

Regarding claims 1 and 10, Doberenz shows in Fig.1 a photodetector (LQ402) for generating a voltage output signal, a sawtooth generator (18) for producing a sawtooth wave, and a comparator (U401, U402) for comparing the sawtooth wave with the output signal of the photodetector and producing a pulse width modulated digital output (see abstract). Although Doberenz differs from the claimed invention in that it utilizes a phototransistor for producing a voltage signal, it is notoriously well known in the art to utilize a transimpedance amplifier with a photodiode in an optical receiver as shown in Seetharaman et al (Fig.3) to generate an amplified voltage signal. It would have been obvious to one of ordinary skill in the art to modify the device of Doberenz by replacing the phototransistor with a transimpedance amplifier and a photodiode in view of amplifying the signal from a photodetector into a relatively large amplitude voltage signal and providing such a voltage signal to the comparator (U401).

Regarding claims 2 and 11, the limitation therein is disclosed in col.2, lines 44-46.

Regarding claims 3 and 4, it is notoriously well known in the art to integrate electrical circuit elements in a common package and it would have been obvious to one of ordinary skill in

Art Unit: 2878

the art to place circuit elements of Doberenz in view of Seetharaman et al in view of reducing the size of a device as well as the manufacturing steps.

Regarding claims 5 and 12, although Doberenz does not specifically mention the use of an optical filter, depending on the desired performance and design requirement, the inclusion of an optical filter would have been an obvious design choice with the skill of a person of ordinary skill in the art depending on the needs of the particular application.

Regarding claim 6, Doberenz shows in Fig.1 a common sawtooth generator (18).

Regarding claim 7, the limitation therein is shown in Fig.1 of Doberenz.

Regarding claim 8, the exact placement of a sawtooth generator would have been obvious to one of ordinary skill in the art in view of design requirements and the desired performance.

Regarding claim 9, Although Doberenz in view of Seetharaman et al does not disclose their circuit elements are synchronized, it would have been obvious to one of ordinary skill in the art to synchronize the circuit elements of Doberenz in view of Seetharaman et al in view of improving the signal to noise ratio of the device.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is (571) 272-2445. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2878

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin Pyo
Primary Examiner
Art Unit 2878

Pkk
5/7/05